

Bail Slip

The Appellant/Accused, namely Silambarasan S/o.Malayappan Accused in SC .NO.109/2011 on the file of the Sessions Judge, Mahalir Neethi Mandram, Chennai - 104 was directed to be released on bail as per order dated 09.03.2012 and made in MP.NO.1/2012 IN CRL A.NO.175/2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.A.No.175 of 2012

Silambarasan ... Appellant /Accused/Accused  
Vs.

The Inspector of Police  
W-16, All Women Police Station  
Pulianthope, Chennai - 12  
(in Crime No.8 of 2010) ... Respondent/Complainant

Criminal Appeal filed under Section 374(2) Cr.P.C to set aside the judgment dated 16.02.2012 passed by the Sessions Judge, Mahalir Neethi Mandram, Chennai - 104 in S.C.No.109 of 2011.

For Appellant : Mr.K.Kannan

For Respondent : Ms.P.Kritika Kamal  
Government Advocate (Crl.side)

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JUDGMENT

This Criminal Appeal has been preferred challenging the judgment and order dated 16.02.2012 passed by the Sessions Judge, Mahalir Neethi Mandram, Chennai - 104 in S.C.No.109 of 2011.

2. It is the case of the prosecution that the appellant deflowered the victim girl 'X' (aged about 23 years, DOB: 01.01.1988) on the promise of marrying her and thereafter reneged. On these allegations, on the written complaint of 'X'

(Ex.P1), the police registered a case in Crime No.8 of 2010 under Section 376 IPC and took up investigation of the case. The victim girl 'X' and the appellant were subjected to medical examination. After completing the investigation, the police filed a final report in P.R.C.No.313 of 2010 before the X Metropolitan Magistrate, Egmore, Chennai under Section 376 IPC against the appellant.

3. On appearance of the appellant, the case was committed to the Court of Session in S.C.No.109 of 2011 and was made over to the Mahila Court, Chennai for trial. The trial Court framed charges under Sections 417 and 376 IPC against the appellant. When questioned, the appellant pleaded 'not guilty'.

4. To prove the case, the prosecution examined 11 witnesses and marked 6 exhibits. When the appellant was questioned under Section 313 Cr.P.C on the incriminating circumstances appearing against him, he denied the same.

5. After considering the evidence on record and hearing either side, the trial Court, by judgment and order dated 16.02.2012, acquitted the appellant of the charge under Section 376 IPC and convicted the appellant of the offence under Section 417 IPC for refusing to marry 'X' and sentenced him to undergo one year rigorous imprisonment and fine of Rs.25,000/-, in default to undergo one month simple imprisonment. Challenging the conviction and sentence, the present appeal has been filed.

6. Heard learned counsel for the appellant and the learned Government Advocate (Crl.Side).

7. Today, when the matter was taken up, both sides submitted that the appellant has now married 'X' and they have three children. Today, on the directions of this Court, Ms.S.Thilagam, the police constable attached to All Women Police Station, Pulianthope has produced the appellant and 'X', who are present with their three children. When enquired 'X' stated that she was in love with the appellant and that they got married on 17.10.2014. They have also filed a joint affidavit, wherein it is stated as follows:

'1. We do state that the 1<sup>st</sup> of us has preferred an appeal before this Hon'ble Court in C.A.No.175 of 2012 against the conviction passed by the Hon'ble Mahila Court, Chennai in S.C.No.109 of 2011 and in the said appeal we have compromised ourselves for the reason that we got married on 26.10.2014 and out of our lawful-wedlock 3 children were born to us and they are namely (1) Lithish-born on 26.5.2015; (2) S.Niranjana-born on 5.9.2016 and (3) Roja-born on 10.11.2018.

2. We do further state that we have appeared before this Hon'ble Court and since the first of us was convicted for alleged offence u/s.417 IPC and the same is compoundable in view of our marriage and we pray that this Hon'ble Court may be pleased to compound the offence and fine amount of Rs.25000/- may be refunded to the first of us.'

In view of the above, this Criminal Appeal is allowed and the offence under Section 417 IPC stands compounded in terms of Section 320(2) Cr.P.C with the leave of this Court and the appellant stands acquitted. The fine amount of Rs.25,000/- paid by the appellant shall be refunded to him.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gpa  
To

1. The Sessions Judge,  
Mahalir Neethi Mandram  
Chennai - 104
2. The X Metropolitan Magistrate, Egmore, Chennai
3. Do thro the Chief Judicial Magistrate, Egmore, Chennai.
4. The V Metropolitan Magistrate, Chennai
5. The Inspector of Police  
W-16, All Women Police Station  
Pulianthope, Chennai - 12
6. The Public Prosecutor  
High Court, Madras - 600 104

Copy to:

The Section Officer,  
Criminal Section,  
High Court, Madras

+2ccs to Mr.K.Kannan , Advocate SR.No. 90443

CrI.A.No.175 of 2012

A.SK(11/12/2019)